MULTIMEDIA UNIVERSITY

STUDENT ID NO

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MULTIMEDIA UNIVERSITY

FINAL EXAMINATION

TRIMESTER 2, 2017/2018

PIL0014 – INTRODUCTION TO LAW

(Foundation of Management)

02 March 2018
3.00 p.m – 5.00 p.m
(2 hours)

INSTRUCTIONS TO STUDENT:

1. This Question paper consists of 6 pages with 32 questions only.

2. Answer **ALL** questions in Sections A, B and C. The distribution of marks for each question is given.

3. Please write all your answers in the Answer Booklet provided.

SECTION A – TRUE/FALSE QUESTIONS (30 MARKS)

1. The Labour Court is armed with the jurisdiction to decide upon complaints of dismissal which are alleged to have been without just cause or excuse.

2. Dido refuses to pay his RM35000 debt to Timmy. So, Timmy instructs his lawyer to file an application to declare Dido as a bankrupt. The High Court has jurisdiction to hear this case.

3. Ziana lost her claim against Zizan in a Sessions Court. Dissatisfied with the decision by the Sessions Court judge, Ziana through her lawyer filed an appeal at the Court of Appeal.

4. The nomenclatures "Ordinances" is used in reference to all state legislation enacted by State Legislative Assemblies **EXCEPT** Sarawak.

5. Jurisdictions of the Federal Court and the Court of Appeal are stated in the Federal Constitution and Court of Judicature Act, 1964.

6. English Law will only be applied by Malaysian court in the absence of local statutes in particular subjects and subject to the suitability of local circumstances.

7. Alain has been arrested for shoplifting. In court, he exercises his right to remain silent. In this case, he is exercising his public rights.

8. Decision of courts outside the Malaysian judicial hierarchy are not binding. They are only persuasive.

9. Section 105(1) of the Armed Forces Act 1972 defines the composition of members of the Martial Court to include the President and not less than 5 other officers.

10. The female heirs inherit equally their mother's property irrespective of whether or not they predeceased their mother. This statement refers to Adat Temenggung.

11. Delegated legislation are laws made by an authority such as the Yang Di Pertuan Agong, the Minister and the local government authority under powers given to it by a parent legislation.

12. No appeal on the assessment of the Income Tax can be filed within 30 days of the notice of assessment to the Special Commissioners of Income Tax.

13. The High Court is bound by the decision of the Court of Appeal while the Court of Appeal is bound by the decision of Federal Court.

14. Action before the Consumer Claims Tribunal can be initiated by both consumer and supplier.

Continued.....

15. Article 3 of the Federal Constitution declares that Islamic religion is the official religion of the Federation of Malaysia.

SECTION B: MULTIPLE CHOICE QUESTIONS (30 MARKS)

16. Federal Constitution specified the fundamental freedoms of the citizens as below **EXCEPT:**
    A. Freedom of Religion
    B. Freedom of Speech
    C. Freedom of Ownership
    D. Freedom of Marriage

17. Greg hires a plumber to repair a broken toilet. The repair works are faulty and causes flooding and major damages to Greg's house. Who must prove the negligence in this case and what is the burden of proof?
    A. Prosecution, beyond reasonable doubt
    B. Prosecution, on a balance of probability
    C. Greg, on a balance of probability
    D. The plumber, on a balance of probability

18. The Government of Malaysia normally refers to _____
    A. The executive, the legislature and judiciary
    B. The constitutional monarchy and the Council of Rulers
    C. The Prime Minister, Cabinet and citizens of Malaysia
    D. The People's Power

19. Four (4) types of unwritten law are English Common Law, Customs, Islamic Law and _____
    A. Constitutions
    B. Statutes
    C. Legislation
    D. Judicial decision/precedent

20. The roles of the Industrial Court:
    A. To uphold justice
    B. To act in accordance with equity, good conscience and substantial merits of the case
    C. Creating a harmonious industrial environment through the process of arbitration and the decisions of the Court (Award) consistent within Industrial Relations Act 1967
    D. All of the above

Continued.....

21. The following statements are **TRUE** about Islamic law **EXCEPT**:
    A. Islamic law has been accepted as part of the Malaysian sources of law
    B. The power to administer the Islamic law is primarily of the Federal Government
    C. Islamic law is applicable only to Muslim and is administered by the Syariah Court
    D. The Islamic law which applies in Malaysia is of the Shafii School of jurisprudence

22. This Tribunal consists of a Chairman and Deputy Chairman and not less than 5 other members, all of whom are members of the judicial and legal services. What is the name of this Tribunal?
    A. Consumer Tribunal
    B. House Buyer Claim Tribunal
    C. Small Claim Court
    D. Special Commissioners of Income Tax

23. Which of the following are the objectives of the doctrine of separation of powers between the three branches of government?
    I. To avoid dictatorship
    II. To prevent concentration of power
    III. To lessen the burden of each branch of government
    IV. To give more opportunity to more people in governing the country

    A. I and II
    B. I, II and III
    C. II and III
    D. All of the above

24. Linda made her payments of RM7500 for a maid in November 2016 to a maid agency, with the promise that she would have a maid by February 2017. However, the maid ran away after 2 weeks. The maid agency refused to provide a replacement maid to Linda. Where should Linda file her claim against the maid agency?
    A. Small Claim Court
    B. Industrial Court
    C. Consumer Tribunal
    D. High Court

25. In Malaysia, the Special Court has jurisdiction over which of the following selected people?
    A. The Yang di Pertuan Agong and the Sultans
    B. The Yang di Pertuan Agong and the Prime Minister
    C. The Prime Minister and the Cabinet
    D. The Sultans and the Royal Family

Continued.....

26. What is the difference between private law and public law?
    A. Private law relates to individual citizens, whereas public law relates to institutions of government
    B. Public law relates to individual citizens, whereas private law relates to institutions of government
    C. Private law relates to crimes committed inside the home, whereas public law relates to crimes committed in public places
    D. Private law relates to court hearings conducted in private, whereas public law relates to hearings conducted in public

27. What law controls on how Ministers of State and public bodies should operate and make decisions?
    A. Constitutional Law
    B. Administrative Law
    C. Domestic Law
    D. Private Law

28. Johan and Ray have a dispute on the sale of land amounting to RM100,000 and they could not resolve the matter amicably. What type of law is involved and in which court this matter could be heard?
    A. Property Law; Session Court
    B. Contract Law; Magistrate Court
    C. Property Law; Magistrate Court
    D. Contract Law; High Court

29. Law promulgated by the Yang Di-Pertuan Agong during emergency under Article 150 of the Federal Constitution is known as _____
    A. Ordinances
    B. Acts
    C. Bills
    D. Enactments

30. The supremacy of the Federal Constitution is stated in _____
    A. Article 2 of the Federal Constitution
    B. Article 3 of the Federal Constitution
    C. Article 4 of the Federal Constitution
    D. Article 5 of the Federal Constitution

Continued.....

SECTION C: STRUCTURED QUESTIONS (40 MARKS)

31. The legislative process is the sequence of steps required for laws to move through the system, from ideas to formally adopted legislation. Describe the legislative process in the Malaysian Parliament.

(20 marks)

32. Law can be classified into Criminal Law and Civil Law. State any five (5) differences between Criminal Law and Civil Law.

(20 marks)

Total: 100 marks

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